

may I inquire through the Chair as to whether any speaker in opposition will be allowed?

The SPEAKER pro tempore. It occurs to the Chair that the gentleman should make his inquiry to the manager on the minority side, the gentleman from Ohio [Mr. HALL].

Mr. ABERCROMBIE. Mr. Speaker, am I entitled to do that? Can I make an inquiry?

The SPEAKER pro tempore. The gentleman from Ohio controls the time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say that there was an agreement between the leadership on the debate of this particular resolution and I had agreed that there would only be two speakers on both sides. That was agreed by both sides, and I am trying to keep my word and stick by that.

Mrs. WALDHOLTZ. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Utah.

Mrs. WALDHOLTZ. Mr. Speaker, if the gentleman from Ohio would like to yield on his time a few minutes to the gentleman from Hawaii and allow him to raise his concerns about this matter, we would not see that in any way contravening the agreement that we have reached.

Mr. HALL of Ohio. Mr. Speaker I thank the gentleman for that.

Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I thank very much the gentleman from Utah [Mrs. WALDHOLTZ] for the opportunity to speak in opposition. I want to indicate to the gentleman and to the Speaker and Members that this was not planned in any other way. I was not aware that there were not to be speakers allowed. I thought there was an hour and that this could be undertaken, so I am grateful for the opportunity.

Mr. Speaker, I rise to speak in opposition to House Resolution 369. Allusions were made to Iran-Contra. I was here, however briefly, when that issue was first being raised in the mid 1980's, I do not see that this is comparable in any way, shape, or form.

As far as I know, the fifth amendment is still alive and well in the Constitution of the United States, and if there are people who refuse to testify for whatever reason, they are entitled to do so. If I understand correctly the gentleman's comments that preceded me, that the existing House rules with respect to contempt and subpoenas cover the situation adequately, there is no need.

If I understood correctly the gentleman's comments, as well, there is no need for this extraordinary authority. My question then becomes, to what end is this resolution being put forward?

If the rules of the House already adequately cover it, if the rules of the

committee already adequately cover the situation with respect to subpoenas, contempt, et cetera, if all the rules and regulations and the admonitions incumbent upon us in the Constitution are still in place, then why are we going ahead with it? If sworn depositions are not in order except under the rules and regulations as provided by the House, well, then, I think we should abide by that.

I do not understand why we are having this resolution brought forward in this manner without reasons being given as to why the resolution is necessary in the form that it takes. The title here says "to provide the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation in study of the White House travel office matter," but there has been no presentation that I am aware of that indicates why special authorities are required to obtain testimonies for the purposes of investigation and study.

Therefore, Mr. Speaker, I would urge a "no" vote on this, at least pending some kind of sufficient explanation as to why these special authorities should be granted.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an extraordinary grant of authority but these are extraordinary circumstances involving questions as to the possible abuse of power at the highest levels of our Government against an American citizen who took 2½ years to clear his name.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ABERCROMBIE. Can the Speaker indicate what he heard on the floor in terms of the "ayes" or the "nays"?

The SPEAKER pro tempore. The ayes have it. That was indicated as the result of the voice vote.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], for the purpose of ascertaining the schedule for the rest of the week and next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am happy to announce that we have concluded our legislative business for the week.

On Monday, March 11, the House will not be in session. On Tuesday, March 12, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should be advised that there will not be any recorded votes before 5 p.m.

As our first order of business on Tuesday, the House will consider a bill on the corrections day calendar: H.R. 2685, to repeal the Medicaid and Medicare coverage data bank.

We will then take up three bills on the suspension calendar: H.R. 2972, the Securities and Exchange Commission reauthorization; H.R. 2276, the Federal Aviation Administration Revitalization Act of 1995; and House Joint Resolution 78, Bi-State Development Agency by the States of Missouri and Illinois.

After consideration of the suspensions, the House will turn to the conference report for H.R. 1561, the American Overseas Interests Act, which is subject to a rule. We also hope to begin consideration of H.R. 2703, the Effective Death Penalty and Public Safety Act, which is also subject to a rule. It is our hope to get through the rule and general debate before adjourning for the evening around 7 or 8 p.m.

On Wednesday, March 13, the House will meet at 11 a.m. to finish consideration of the crime bill.

On Thursday, March 14, the House will meet at 10 a.m. It is our hope that conference reports for the debt limit and Second Balanced Budget Downpayment Act will be ready for floor consideration by then.

□ 1845

We should finish business and have Members on their way home to their families by 6 p.m. on Thursday March 14, and I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, I would ask my friend from Texas this question, or make this comment to him just so that he understands the concerns that we have in our Caucus over the retreat that we were scheduled to have on January 25, which had to be cancelled after votes on the continuing resolution for Government spending were scheduled. We then asked for a retreat date of March 8, which is today, and we were refused on that date, saying that the majority, noting that the calendar had been set in advance and could not be altered. I would just note that March 8 is not today, it is tomorrow, and I would just tell my colleague from Texas we could have had our retreat tomorrow, and in light of the fact that the schedule indeed was altered, and we hope we could work together on these things in the future. We have had to cancel it twice, and we hope that this would not happen a third time.

With that, I thank my colleague for giving us an insight into the schedule for tomorrow, or the lack of schedule

for tomorrow, and the schedule for next week.

ADJOURNMENT FROM FRIDAY, MARCH 8, TO TUESDAY, MARCH 12, 1996

Mr. ARMEY. Madam Speaker, I ask unanimous consent that when the House adjourns tomorrow, Friday, March 8, 1996 it adjourn to meet at 12:30 p.m. on Tuesday, March 12, 1996, for morning hour debates.

The SPEAKER pro tempore (Mrs. WALDHOLTZ). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. OXLEY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 3, strike out "1995" and insert "1996".

Page 2, strike out all after line 3 over to and including line 15 on page 4 and insert:

#### SEC. 2. LAND DISPOSAL RESTRICTIONS.

Section 3004(g) of the Solid Waste Disposal Act is amended by adding after paragraph (6) the following:

"(7) Solid waste identified as hazardous based solely on one or more characteristics shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) (other than any applicable specific methods of treatment, as provided in paragraph (8)) if the waste—

"(A) is treated in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1342), treated for the purposes of the pretreatment requirements of section 307 of the Clean Water Act (33 U.S.C. 1317), or treated in a zero discharge system that, prior to any permanent land disposal, engages in treatment that is equivalent to treatment required under section 402 of the Clean Water Act (33 U.S.C. 1342) for discharges to waters of the United States, as determined by the Administrator; and

"(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit.

"(8) Solid waste that otherwise qualifies under paragraph (7) shall nevertheless be required to meet any applicable specific methods of treatment specified for such waste by the Administrator under subsection (m), including those specified in the rule promulgated by the Administrator June 1, 1990, prior to management in a land-based unit as part of a treatment system specified in paragraph (7)(A). No solid waste may qualify under paragraph (7) that would generate toxic gases, vapors, or fumes due to the presence of cyanide when exposed to pH conditions between 2.0 and 12.5.

"(9) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well permitted under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h-1).

"(10) Not later than five years after the date of enactment of this paragraph, the Administration shall complete a study of hazardous waste managed pursuant to paragraph (7) or (9) to characterize the risks to human health or the environment associated with such management. In conducting this study, the Administrator shall evaluate the extent to which risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such laws or programs. Upon receipt of additional information or upon completion of such study and as necessary to protect human health and the environment, the Administrator may impose additional requirements under existing Federal laws, including subsection (m)(1), or rely on other State or Federal programs or authorities to address such risks. In promulgating any treatment standards pursuant to subsection (m)(1) under the previous sentence, the Administrator shall take into account the extent to which treatment is occurring in land-based units as part of a treatment system specified in paragraph (7)(A).

"(11) Nothing in paragraph (7) or (9) shall be interpreted or applied to restrict any inspection or enforcement authority under the provisions of this Act."

Page 7, line 12, strike out "paragraph." and insert: "paragraph."

Page 7, after line 12 insert:

"(5) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of these requirements. This paragraph shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

"(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Recognizing the unique circumstances of small communities, the Administrator shall, not later than two years after enactment of this provision promulgate revisions to the guidelines and criteria promulgated under this subtitle to provide additional flexibility to approved States to allow landfills that receive 20 tons or less of municipal solid waste per day, based on an annual average, to use alternative frequencies of daily cover application, frequencies of methane gas monitoring, infiltration layers for final cover; and means for demonstrating

financial assurance: Provided, That such alternative requirements take into account climatic and hydrogeologic conditions and are protective of human health and environment."

Mr. OXLEY (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mrs. LINCOLN. Madam Speaker, reserving the right to object, and I will not object, but I yield to the gentleman from Ohio [Mr. OXLEY] to explain the bill that we are considering.

Mr. OXLEY. Madam Speaker, as the gentlewoman is aware, the bill as passed by the House addresses two rulemakings in which EPA tried to use principles of sound risk management but were prevented by the courts from doing so. Unfortunately, the current law, as interpreted by the courts, does not allow EPA to develop a reasonable set of regulations.

Two weeks ago, the other body adopted, by voice vote, several amendments to the bill. The Senate amendments add underground injections wells to the 5-year study agreed to during the Commerce Committee's markup of the bill. The Senate amendments also address ground water monitoring concerns in Alaskan Native villages.

Senator CHAFEE, chairman of the Senate Committee on Environment and Public Works, has asked me to place into the RECORD a point of clarification consistent with the language of the House-passed bill. Specifically, it should be clear that the legislation does not modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law, including the Clean Water Act. I would like to submit this letter for the RECORD.

I am pleased to say H.R. 2036 has the strong support of the administration, the Ground Water Protection Council, the Association of State and Territorial Solid Waste Management Officials, and representatives of the industrial community. I commend Chairman BLILEY for his leadership on this issue and the bipartisan cooperation from Mr. DINGELL, Mrs. LINCOLN, and the administration.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, March 5, 1996.

Hon. JOHN H. CHAFEE,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CHAFEE: Thank you for your letter of this date clarifying the scope of H.R. 2036, the Land Disposal Flexibility Act of 1996. Your letter correctly indicates that this legislation only modifies provisions of the Solid Waste Disposal Act, a statutory program wholly within the jurisdiction of